

**ELK GROVE COMMUNITY SERVICES DISTRICT
MINUTES OF A SPECIAL BOARD MEETING
Tuesday, March 1, 2005 – 5:00 p.m.
EGCSD Administration Building**

ATTENDANCE:

Directors present included Gil Albiani, Gerald Derr, Doug McElroy, Elliot Mulberg, and Elaine Wright.

General Manager Donna Hansen and Administrative Services Director Jeff Ramos were also in attendance.

1. CALL TO ORDER

President Mulberg called the meeting to order at 5:09 p.m.

2. CLOSED EXECUTIVE SESSION ITEM:

With no request to speak, President Mulberg recessed to a closed session at 5:10 p.m. to discuss the following item:

- a) CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation
Pursuant to Government Code Section 54956.9 (a)
Elk Grove Community Services District vs. City of Elk Grove,
Sacramento Superior Court Case No. 05A200612

3. RECONVENE SPECIAL MEETING:

The Board returned from Closed Session to reconvene the special meeting at 6:27 p.m. President Mulberg announced the Board conferred with Legal Counsel and read into the record the letter which will be sent to Mayor Dan Briggs and the Elk Grove City Council:

As you know the Elk Grove Community Services District has agreed to meet with representatives of the Elk Grove City Council to consider potential solutions to the controversy of the City moving forward with plans to develop a duplicate park system. The Elk Grove CSD very much looks forward to this discussion. We believe that it is in the best interest of the citizens of our community for both the District and the City to develop a satisfactory working relationship that benefits our community. The first step in that process is the two-by-two meeting presently scheduled for March 3rd.

However, we are concerned that recent developments detailed by the Sacramento County Grand Jury will negatively impact the ability to engage in fruitful discussions. The Elk Grove City Council has designated Council members Jim Cooper and Mike Leary to be its representatives in the negotiations. The Sacramento County Grand Jury's report dated February 28th details the conflicts of interest that Mr. Cooper and Mr. Leary have engaged in relative to the provision of law enforcement services in Elk Grove. While the CSD does not express a view on the conflict charges detailed in the Grand Jury report, we are extremely concerned about the conduct of council members Cooper and Leary as detailed in that report.

The Grand Jury found these two council members engaged in intimidating and vulgar behavior, acted in a belligerent and uncivil manner and said their behavior was vulgar, unprofessional and abusive. The report made it clear that this conduct was directed broadly at fellow council members, City Management and staff, law enforcement officials, and others and that it was not isolated, but that rather an ongoing practice by these individuals.

As you know, the relationship between the City and the CSD is already strained. We are about to enter into difficult negotiations on a highly contentious matter. We believe that every attempt should be made to give these negotiations a chance to succeed and that both parties should be represented by individuals acting in good faith and without bias or conflicts. We do not believe that the history of Council members Cooper and Leary as detailed by the Grand Jury suggest they have the temperament and mindset that is conducive to fruitful negotiation.

Additionally, we are concerned that Council member Cooper may have a conflict of interest relative to the provision of park services. Councilmember Cooper is on the Board of Directors of the Elk Grove Youth Sports Association which wants the CSD to construct more fields for its use or schedule more of our existing fields to accommodate the wishes of that organization. As a Councilmember, Mr. Cooper is also advocating the use of taxpayer funds from the City to build new fields which would then become available to the EGYSA on whose Board he sits.

For all these reasons, the CSD respectfully requests that the City replace Council members Cooper and Leary on the negotiating team and appoint two other council representatives in their stead. We would be willing to reschedule the meeting in order to give the City time to make the requested changes. At this time, our Board is not willing to enter into negotiations with Council members Cooper and Leary since we do not believe that they will be able to contribute to a positive resolution of our differences.

Thank you for your consideration.

President Mulberg also added that the CSD is really committed to working with the City. The CSD currently has partnerships with several organizations throughout town - both public and non-profit organizations and would like to have a similar relationship with the City and hopes the City will take the District's letter to heart and address the concerns stated.

4. ADJOURNMENT

With no other business, President Mulberg adjourned to the Regular Board meeting at 6:32 p.m.

Respectfully submitted,

Donna L. Hansen
General Manager